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EXAMINER

ARSHAD, UMAR

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 06/17/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,095

Applicant(s)

OHNISHI, AKINORI

Examiner

Umar Arshad

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This communication is responsive to Amendment A, filed 2/24/2004.

Claims 1 – 25 are pending in this application. Claims 1, 13, 24 and 25 are independent claims. In the Amendment A claims 1 – 8 were amended and claims 9 – 25 were added. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "proximity" in claim 5 is a relative term which renders the claim indefinite. The term "proximity" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The display position of the icon return space is rendered indefinite by use of this term.

The term "proximity" in claim 12 is a relative term which renders the claim indefinite. The term "proximity" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The display position of the file icon space is rendered indefinite by use of this term.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Morris et al., U.S. Patent No. 6,097,389.

As per claim 1, Morris et al. teach an operation method for processing data file, comprising the steps of:

(a) displaying for each of one or more data files a reduced-size image/file icon pair wherein the reduced-size image is for use in identifying the contents of the data file and the corresponding file icon is spaced at a predetermined interval from the reduced-size image, the file icon having a smaller area than the reduced-size image (see Morris et al., figure 12B, items 809 and 807, column 6, lines 19 – 33, and column 15, lines 33 – 44; the examiner interprets the icons displayed in the thumbnail display as file icons and the scaled image as the reduced-size image); and

(b) performing at least either one of the operations of i) selecting a function to be applied to the data file and ii) changing a display position of the reduced-size image by a drag-and-drop operation on the file icon (see Morris et al., column 13, lines 37 – 67, and column 14, lines 1 – 11).

As per claim 3, which is dependent on claim 1, Morris et al. teach the method of claim 1 (see rejection above). Morris et al. further teach the method wherein:

in step (b), when the file icon is dropped at a position where no function icon representing a kind of a function to be applied to the data file is displayed, a display

position of the corresponding reduced-size image is changed by moving the corresponding reduced-size image to a position at a predetermined interval from a dropped position of the file icon (see Morris et al, column 6, lines 37 – 67 and column 14, lines 1 – 11; it is inherent that there is no function icon when the thumbnail file icon is moved to a new position by a drag-and-drop operation, and when the icon is moved, the display position for the reduced-size image is changed to correspond to the changed position of the thumbnail file icon).

As per claim 4, which is dependent on claim 3, Morris et al. teach the method of claim 3 (see rejection above). Morris et al. further teach the method wherein:

the reduced-file image is displayed in an area on the opposite side of a moving region of the file icon where the file icon is moved to a display position of a function icon (see Morris et al., figure 12b, items 804, 807 and 809, column 13, lines 37 – 67 and column 14, lines 1 – 11; the examiner interprets item 804 to be function icons, and item 807 as the moving region where the thumbnail file icon can be moved to).

As per claim 12, which is dependent on claim 1, Morris et al. teach the method of claim 1 (see rejection above). Morris et al. further teach the operation method for processing data files as set forth in claim 1, wherein:

the file icon is displayed at positions in proximity of the reduced-size image (see Morris et al., figure 12b, items 809 and 807).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al., U.S. Patent No. 6,097,389 in view of Johnston, Jr. et al., U.S. Patent No. 5,598,524 and Belfiore et al., U.S. Patent No. 5,611,060.

As per claim 2, which is dependent on claim 1, Morris et al. teach the method of claim 1 (see rejection above). Morris et al. further teach the method wherein:

in the step (b), the reduced-size image is fixed at a current position while a drag operation on the file icon is being performed (see Morris et al., column 13, lines 37 – 67, and column 14, lines 1 – 11).

Morris et al. teach indicating a drag operation by a visual change (see Morris et al., column 13, lines 37 – 62). Morris et al. do not teach indicating a drag operation by displaying a frame having the size of the reduced size image. Johnston, Jr. et al. teach

displaying a frame having the size of a display object as it is dragged (see Johnston, Jr. et al., figures 13a, items 1300 and 1310 and column 13, lines 25 – 33).

Morris et al. teach performing an action when a threshold is breached during a drag operation (see Morris et al., column 13, lines 37 – 62; the display order is changed when the thumbnail is dragged onto a different part of the screen). Morris et al. do not teach performing an action if a drag speed threshold is breached while dragging. Belfiore et al. teach performing an action if a drag speed threshold is breached while dragging (see Belfiore et al., column 3, lines 45 – 60). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the methods of Johnston et al. and Belfiore et al. with the method of Morris et al. in order to provide an improved method of providing visual feedback when a threshold is breached.

Claims 5 – 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al., U.S. Patent No. 6,097,389 in view of Hirose, U.S. Patent No. 5,745,112.

As per claim 5, which is dependent on claim 1, Morris et al. teach the method of claim 1 (see rejection above). Morris et al. does not teach the method wherein:

in step (b), when the file icon has moved to a position more than a predetermined distance apart from the corresponding reduced-size image, an icon return space is

displayed at or in a proximity to the original display position of the file icon, at a predetermined fixed interval from the reduced-size image.

Hirose teaches when an icon is moved, an icon return space is displayed at or in a proximity to the original display position of the icon (see Hirose, figure 7, ref. 311 and 303 and column 4, lines 19 – 24; the examiner interprets the dotted line 311 as a return space as it is located at the original position of the file icon 303). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Hirose with the method of Morris et al. in order to display the area in which an icon was originally located when the icon has been dragged and moved from its original location.

As per claim 6, which is dependent on claim 5, Morris et al. and Hirose teach the method of claim 5 (see rejection above). Hirose further teaches in step (b), when the file icon is dropped in the icon return space, the file icon is moved back to its original display position without moving the associated reduced-size image (see Hirose, figure 7, ref. 311 and 303 and column 4, lines 19 – 24; it is inherent that when the icon is dropped in the return space it will be in its original position and no changes will occur because the return space is the original location of the icon).

As per claim 7, which is dependent on claim 5, Morris et al. and Hirose teach the method of claim 5 (see rejection above). Hirose further teaches the method wherein the icon return space is formed in an outstanding pattern (see Hirose, figure 7, ref. 311 and

303 and column 4, lines 19 – 24; the examiner interprets a dotted line as an outstanding pattern).

As per claim 11, which is dependent on claim 1, Morris et al. teach the method of claim 1 (see rejection above). Morris et al. does not teach the operation method for processing data files as set forth in claim 1, wherein:

the icon return space is displayed in a different manner than the file icon when the file icon has moved to a position at a predetermined position from an original position.

Hirose teaches wherein the icon return space is displayed in a different manner than the file icon when the file icon has moved to a position at a predetermined position from an original position (see Hirose, figure 7, ref. 311 and 303 and column 4, lines 19 – 24; the examiner interprets the dotted line 311 as a return space as it is located at the original position of the file icon 303). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Hirose with the method of Morris et al. in order to clearly display the area in which an icon was originally located when the icon has been dragged and moved from its original location.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al., U.S. Patent No. 6,097,389 in view of Hirose, U.S. Patent No. 5,745,112 further in view of Aparicio, IV et al., U.S. Patent No. 5,727,174.

As per claim 8, which is dependent on claim 5, Morris et al. and Hirose teach the method of claim 5 (see rejection above). Morris et al. do not teach displaying an icon return space. Hirose teaches displaying an icon return space but do not teach wherein the icon return space is larger in size than the icon. Aparicio, IV et al. teach a method wherein an icon return space is larger in size than the file icon (see Aparicio, IV, figure 6, items 47, and 49; the examiner interprets the empty mini-desk icon area as the return space, it is inherent that the assistant icon is smaller in size than the return space). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Aparicio, IV et al. with the method of Morris et al. and Hirose in order to provide a clearer indication to the user of the original location of an icon.

Claims 9, 13, 14 and 20 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al., U.S. Patent No. 6,097,389 in view of Johnston, Jr. et al., U.S. Patent No. 5,598,524.

As per claim 9, which is dependent on claim 1, Morris et al. teach the method of claim 1 (see rejection above). Morris et al. does not teach the operation method for processing data files as set forth in claim 1, wherein:

a function icon is displayed with substantially the same size as the file icon when the file icon is displayed.

Johnston, Jr. et al. teaches wherein a function icon is displayed with substantially the same size as the file icon when the file icon is displayed (see Johnston, Jr. et al., figures 9a – 9d, items 905 and 920). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Johnston, Jr. et al. with the method of Morris et al. in order to provide a consistent look for a graphical user interface.

As per claim 10, which is dependent on claim 1, Morris et al. teach the method of claim 1 (see rejection above). Morris et al. does not teach the operation method for processing data files as set forth in claim 1, wherein:

a display of one or both of a function icon and an icon return space is changed when the file icon overlaps the function icon when the file icon is dragged.

Johnston, Jr. et al. teaches a display of one or both of a function icon and an icon return space is changed when the file icon overlaps the function icon when the file icon is dragged (see Johnston, Jr. et al., figure 17, item 1704 and column 14, lines 45 – 67). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Johnston, Jr. et al. with the method of Morris et al. in order to provide positive drag destination feedback to a user.

As per claim 13, Morris et al. teach a method, comprising:

generating a display for a data file that comprises a reduced-size image and a corresponding file icon, wherein the reduced-sizes image permits an identification of the contents of the data file and the file icon is smaller than, and disposed in a predetermined relationship relative to, the reduced-sized image (see Morris et al., figure 12B, items 809 and 807, column 6, lines 19 – 33, and column 15, lines 33 – 44; the examiner interprets the icons displayed in the thumbnail display as file icons and the scaled image as the reduced-size image); and

moving the reduced-sized image from an original display position in response to user inputs supplied via an input device for moving the file icon from an original display position to another display position (see Morris et al., column 13, lines 37 – 67, and column 14, lines 1 – 11).

Morris et al. do not teach processing the data file in accordance with a function in response to user inputs supplied via the input device for moving the file icon from an original display position to a function invoking position on the display that invokes the function. Johnston, Jr. et al. teach processing a data file in accordance with a function in response to user inputs supplied via the input device for moving a file icon from an original display position to a function invoking position on the display that invokes the function (see Johnston, Jr. et al., column 12, lines 12 – 34). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Johnston, Jr. et al. with the method of Morris et al. in order to provide an improved method of accessing a commonly used function.

As per claim 14, which is dependent on claim 13, Morris et al. and Johnston, Jr. et al. teach the method of claim 13 (see rejection above). Morris et al. further teach the method according to claim 13, wherein the user inputs for moving the file icon from its original display position to another display position comprise inputs for dragging-and-dropping the file icon (see Morris et al., column 13, lines 36 – 40).

As per claim 20, which is dependent on claim 13, Morris et al. and Johnston, Jr. et al. teach the method of claim 13 (see rejection above). Morris et al. does not teach the method according to claim 13, wherein the user inputs for moving the file icon to the function-invoking position comprise inputs for dragging and dropping the file icon onto one of one of more function icons. Johnston, Jr. et al. teaches wherein the user inputs for moving the file icon to the function-invoking position comprise inputs for dragging and dropping the file icon onto one of one of more function icons (see Johnston, Jr. et al., column 12, lines 10 – 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Johnston, Jr. et al. with the method of Morris et al. in order to provide an improved method of accessing a commonly used function.

As per claim 21, which is dependent on claim 20, Morris et al. and Johnston, Jr. et al. teach the method of claim 20 (see rejection above). Morris et al. does not teach the method according to claim 20, wherein the one or more function icons have substantially the same size as the file icons. Johnston, Jr. et al. teaches wherein the

Art Unit: 2174

one or more function icons have substantially the same size as the file icons (see Johnston, Jr. et al., figures 9a – 9d, items 905 and 920). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Johnston, Jr. et al. with the method of Morris et al. in order to provide a consistent look for a graphical user interface.

As per claim 22, which is dependent on claim 20, Morris et al. and Johnston, Jr. et al. teach the method of claim 20 (see rejection above). Morris et al. further teach the method according to claim 20, wherein the file icon is disposed relative to the reduced-size image so that the file icon is between, the function icons and the reduced-sized image (see Morris et al., figure 12b, items 804, 807 and 809).

As per claim 23, which is dependent on claim 13, Morris et al. and Johnston, Jr. et al. teach the method of claim 13 (see rejection above). Morris et al. does not teach the method according to claim 13, wherein the function in accordance with which the data file is processed is selected from the group consisting of a printing function, a facsimile function, and an e-mail function. Johnston, Jr. et al. teaches wherein the function in accordance with which the data file is processed is selected from the group consisting of a printing function, a facsimile function, and an e-mail function (see Johnston, Jr. et al., column 12, lines 28 – 34). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of

Art Unit: 2174

Johnston, Jr. et al. with the method of Morris et al. in order to provide a consistent look for a graphical user interface.

As per claims 24 and 25, they are of similar scope to claim 13 and are rejected under the same rationale.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al., U.S. Patent No. 6,097,389 in view of Johnston, Jr. et al., U.S. Patent No. 5,598,524 further in view of Fleming, U.S. Patent No. 5,392,389.

As per claim 15, which is dependent on claim 14, Morris et al. and Johnston, Jr. et al. teach the method of claim 14 (see rejection above). Morris et al. and Johnston, Jr. et al. do not teach the method according to claim 14, wherein the reduced-size image is moved from its original position to a position adjacent to the position at which the file icon is dropped. Fleming teaches wherein a reduced-size image is moved from its original position to a position adjacent to the position at which the file icon is dropped (see Fleming, figures 4, 5 and 6, items 27 and 29, and column 3, line 62 – column 4, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Fleming with the method of Morris et al. and Johnston, Jr. et al. in order to provide a clear indication of a move operation to the user.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al., U.S. Patent No. 6,097,389 in view of Johnston, Jr. et al., U.S. Patent No. 5,598,524 further in view of Hirose, U.S. Patent No. 5,745,112.

As per claim 16, which is dependent on claim 13, Morris et al. and Johnston, Jr. et al. teach the method of claim 13 (see rejection above). Morris et al. and Johnston, Jr. et al. do not teach the method according to claim 13, further comprising:

displaying a file icon return space when the file icon is moved more than a predetermined distance from the reduced-size image.

Hirose teaches displaying a file icon return space when the file icon is moved more than a predetermined distance from the reduced-size image (see Hirose, figure 7, ref. 311 and 303 and column 4, lines 19 – 24; the examiner interprets the dotted line 303 as a return space as it is located at the original position of the file icon 303). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Hirose with the method of Morris et al. and Johnston, Jr. et al. in order to display the area in which an icon was originally located when the icon has been dragged and moved from its original location.

As per claim 17, which is dependent on claim 16, Morris et al., Johnston, Jr. et al. and Hirose teach the method of claim 16 (see rejection above). Morris et al. and Johnston, Jr. et al. do not teach the method according to claim 16, further comprising:

returning the file icon back to its original display position if the file icon is moved to the file icon return space.

Hirose teaches returning the file icon back to its original display position if the file icon is moved to the file icon return space (see Hirose, figure 7, ref. 311 and 303 and column 4, lines 19 – 24; it is inherent that when the icon is dropped in the return space it will be in its original position and no changes will occur because the return space is the original location of the icon).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al., U.S. Patent No. 6,097,389 in view of Johnston, Jr. et al., U.S. Patent No. 5,598,524 further in view of Hirose, U.S. Patent No. 5,745,112 further in view of Aparicio, IV et al., U.S. Patent No. 5,727,174.

As per claim 18, which is dependent on claim 16, Morris et al., Johnston, Jr. et al. and Hirose teach the method of claim 16 (see rejection above). Morris et al. and Johnston, Jr. et al. do not teach the method according to claim 16, wherein the file icon return space has a larger area than the file icon. Hirose teaches displaying an icon return space but does not teach wherein file icon return space has a larger area than the file icon. Aparicio, IV et al. teach a method wherein the file icon return space has a larger area than the file icon (see Aparicio, IV, figure 6, items 47, and 49; the examiner interprets the empty mini-desk icon area as the return space, it is inherent that the

assistant icon is smaller in size than the return space). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Aparicio, IV et al. with the method of Morris et al., Johnston, Jr. et al. and Hirose in order to provide a more clear indication to the user of the original location of an icon.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al., U.S. Patent No. 6,097,389 in view of Johnston, Jr. et al., U.S. Patent No. 5,598,524 further in view of Belfiore et al., U.S. Patent No. 5,611,060.

As per claim 19, which is dependent on claim 13, Morris et al. and Johnston, Jr. et al. teach the method of claim 13 (see rejection above). Morris et al. teach moving a reduced-size image in response to user input of moving the file icon (see rejection for claim 13). Morris et al. further teach indicating a move operation by a visual change (see Morris et al., column 13, lines 37 – 62).

Morris et al. do not teach representing the reduced-size image with a frame while moving the file icon. Johnston, Jr. et al. teach displaying a frame of a display object as it is dragged (see Johnston, Jr. et al., figures 13a, items 1300 and 1310 and column 13, lines 25 – 33).

Morris et al. teach performing an action when a threshold is breached during a drag operation (see Morris et al., column 13, lines 37 – 62; the display order is changed when the thumbnail is dragged onto a different part of the screen). Morris et al. do not

Art Unit: 2174

teach performing an action if a movement speed is below a predetermined speed and not performing an action when the movement speed is above a predetermined speed. Belfiore et al. teach performing an action if a drag speed is below a predetermined speed and not performing an action if a drag speed is above a predetermined speed (see Belfiore et al., column 3, lines 45 – 60; it is inherent that the automatic scrolling will not be initiated when the speed is above a predetermined speed threshold).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the methods of Johnston et al. and Belfiore et al. with the method of Morris et al. in order to provide improved visual feedback when a threshold is breached.

Response to Arguments

Applicant's arguments filed in Amendment A have been fully considered but they are not persuasive.

With respect to claim 5, Applicant submits that the term “proximity” is not an indefinite term because it has a well-defined meaning and that Figure 3B provides an example of the proximity of the icon return space to the reduced-size image. The Examiner respectfully points out that the figures do not provide enough support to properly define the term proximity.

Applicant argues that Morris et al. does not show a predetermined interval between the thumbnails and album images. The Examiner points out that Morris et al. teaches that "the album authoring software assigns a unique number to each slot on the ordered set of album pages. Then ... the album authoring software assigns the ordered list of pictures to the numbered slots on the album pages" (column 6, lines 15 – 28). By teaching that the numbers are assigned before the pictures are assigned to slots, the examiner interprets assigning numbers to each slot before assigning an ordered list of pictures to the slots as predetermining the locations of each picture. The Examiner also points out that Morris et al. teaches that the order that thumbnails are displayed on the screen is related to the order that the album images are displayed on the screen (see Morris et al., column 13, lines 37 – 62). Therefore, Morris et al. clearly shows a predetermined interval between the thumbnails and album images.

Applicant also argues that Morris et al. does not disclose (or even suggest) the use of a file icon that permits the indirect recognition of the content of a data file based on the predetermined interval between the file icon and a corresponding reduced-size image of the data file. The Examiner points out that this limitation is not reflected in the claim language. Claim 1 recites the limitation "wherein the reduced size image is for use in identifying the contents of the data file", but does not claim that the recognition of the content of a data file is also based on the file icon and the predetermined interval between the file icon and a corresponding reduced-size image of the data file.

Applicant also argues that neither of Johnston, Jr. et al. and Belfiore et al. teach or suggest how to treat a reduced-size image when its corresponding file icon is

dragged at a particular speed. The Examiner acknowledges that neither Johnston, Jr. et al. and Belfiore et al. directly teach how to treat a reduced-size image when its corresponding file icon is dragged at a particular speed. However, Morris et al. teaches a file icon and a corresponding reduced-size image, and Belfiore et al. teaches how to treat an object when its icon is dragged at a particular speed. Therefore, through the combination of Morris et al. and Belfiore et al., how to treat a reduced-size image when its corresponding file icon is dragged at a particular speed is clearly shown.

Applicant also argues that Johnston, Jr. et al. does not relate the operation of representing a dragged object with a shape such as a rectangle does not relate to the speed of dragging in any way. The Examiner acknowledges that Johnston, Jr. et al. does not relate the operation of representing a dragged object with a shape such as a rectangle to the speed of dragging. However, Johnston, Jr. et al. teaches representing a dragged object with a shape such as a rectangle, and the combination of Morris et al. and Belfiore et al. teach how to relate an operation to the speed of dragging. Therefore, through the combination of Morris et al., Belfiore et al., and Johnston, Jr. et al., relating the operation of representing a dragged object with a shape such as a rectangle to the speed of dragging is clearly shown.

Applicant also argues that both Belfiore et al. and Johnston, Jr. et al. do not disclose how the appearance of a reduced-size image should vary. The Examiner points out that this limitation is not reflected in the claim language.

Applicant also argues that there is no disclosure in Hirose et al. of displaying an icon return space based on the distance of the file icon from a corresponding reduced-

Art Unit: 2174

size image. The Examiner acknowledges that Hirose et al. does not teach a file icon and a corresponding reduced-size image. However, Morris et al. teaches a file icon and a corresponding reduced-size image and Hirose et al. teaches displaying an icon return space when an icon is moved a distance from a particular location. Therefore, through the combination of Morris et al. and Hirose et al., displaying an icon return space based on the distance of the file icon from a corresponding reduced-size image is shown.

Finally, Applicant argues that the human assistant of Aparicio, IV et al. is not a file icon associated with a reduced-size image of a data file. The Examiner points out that Morris et al. teaches a file icon associated with a reduced-size image of a data file, and the combination of Morris et al. and Aparicio, IV et al. shows a file icon associated with a reduced-size image of a data file.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2174

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Arshad whose telephone number is (703) 305-0329. The examiner can normally be reached on Monday - Friday, 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UA

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